



J. Kubacki

PATENT

Customer No. 22,852
Attorney Docket No. 08372.0005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

T. Hongoh et al.

Group Art Unit: 1763

Patent No.: 6,797,111 (10000312)

Examiner: P. Hassanzadeh

Issued: September 28, 2004

For: PLASMA PROCESSING
APPARATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPLICATION FOR REINSTATEMENT OF PATENT TERM ADJUSTMENT-POST GRANT

In accordance with 37 C.F.R. § 1.705(b), Applicant hereby applies for reinstatement of patent term adjustment under 35 U.S.C. § 154(b) to 236 days. This application is being filed within two months of issuance of the above patent, as required by 37 C.F.R. § 1.705(d).

I. Statement of the Facts Involved

A. Correct Patent Term Adjustment

According to information printed on the face of the above-identified issued patent, this patent is entitled to 168 days of patent term adjustment. However, Applicants submit that the 168 days adjustment is incorrect. Applicants have calculated a patent term adjustment of 236 days based on the following facts:

10/20/2004 LUNDJER 00000018 10000312
200.00 op
01 FC:1455

On April 26, 2004, the U.S. Patent & Trademark Office (USPTO) issued a Notice of Allowance with an Examiner's Statement of Reasons for Allowance. The accompanying Determination of Patent Term Adjustment indicated that the Adjustment was 236 days.

On July 23, 2004, the Applicants filed the issue fee, along with a "Comment on Statement of Reasons for Allowance" (Copy of date stamped postcard is attached). According to the USPTO's PAIR system, the Comment was docketed as a "Miscellaneous Incoming Letter," and the patent term adjustment was reduced by 68 days, from 236 days to 168 days. On September 28, 2004, the application issued as a patent showing an adjustment of 168 days.

However, the USPTO should not have reduced the adjustment based on a submission of a Comment on Statement of Reasons for Allowance. As clarified in the Official Gazette on June 26, 2001, submission of a response to an Examiner's reasons for allowance is not considered a failure to engage in reasonable efforts to conclude processing and, therefore, does not result in a reduction of a patent term adjustment. See "Clarification of 37 C.F.R. § 1.704(c)(10)," 1247 OG 111, June 26, 2001.

Accordingly, Applicants respectfully request reinstatement of the full adjustment term to 236 days.

B. Terminal Disclaimer

The above-identified application is not subject to a Terminal Disclaimer.

C. Reasonable Efforts

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing of examination of the above-identified application, as set forth in 37 C.F.R. § 1.704.

II. Fee

As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by a check for \$200.00 to cover the required fee. Please charge any deficiencies to our Deposit Account No. 06-0916. If there are any other fees due in connection with the filing of this request, please charge them to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 19, 2004

By: 
Dustin T. Johnson
Reg. No. 47,684

Attachment: Copy of postcard bearing OIPE date stamp of July 23, 2004 and showing the filing of a "Comment on Statement of Reasons for Allowance"



DWH/DTJ

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: T. Hongoh *et al.*

Application No.: 10/000,312

Group Art Unit: 1763

Filed: December 4, 2001

Examiner: P. Hassanzadeh

For: PLASMA PROCESSING APPARATUS

1. Issue Fee Transmittal;
2. Comment on Statement of Reasons for Allowance; and
3. Check for \$1636.00 for payment of Issue Fee, Publication Fee and 2 copies of patent.

Dated: July 23, 2004

Docket No.: 08372.0005

DWH/DTJ/mas - Mail Drop--Reston

(Due Date: 7/26/04)



Please return postcard to M. Sanchez/Reston-810B. Thank you.

OKFL
1/24/04
JWJ